

Remarks

The Final Office Action dated May 18, 2009 has been carefully considered.

In Paragraph 2 of the Final Office Action, Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelmann et al. (US PUB 20060012373) in view of Scheid et al. (4409482).

In Paragraph 3 of the Final Office Action, Claims 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelmann et al. (US Pub 20060012373) and Scheid et al. (4409482), as applied to Claims 3 and 4 above, and further in view of Peacock (4967157) [note claim 2 is rejected by the three references and not as applied to any of the claims above since it is an independent claim].

In Paragraph 4 of the Final Office Action, Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelmann et al. (US Pub 20060012373) and Scheid et al. (4409482), as applied to Claims 1 and 4 above, and further in view of Hollman (US Publication 2003004921).

By way of amendment above, Claims 1-10 have been cancelled. Accordingly, it is respectfully submitted that the rejection of such claims has now been rendered moot. It is to be understood, however, that such cancellation of claims has been done solely to expedite issuance of the application as a patent and to acquire protection of Applicants' invention against infringement. Accordingly, such claim cancellation should not be construed as a concession or acquiescence to the rejection of those claims in the Final Office Action. It is to be further understood that the above claim cancellations have been made without prejudice to Applicants'

rights to file one or more continuation-type applications having claims of similar and/or broader scope than the claims as originally filed, and such rights are hereby expressly reserved.

Conclusion

Claims 1-10 have been canceled, resulting in the above rejections thereof being moot. New Claims 11 and 12 are believed allowable.

In view of the foregoing, Applicant respectfully submits that all claims in the application are allowable and that the application is in condition for allowance. Withdrawal of the outstanding rejections and favorable reconsideration and allowance of the application is therefore respectfully requested.

The Examiner is invited to contact the undersigned in the event there are any questions or further information required.

Respectfully submitted,

/Stanislav Antolin/

Stanislav Antolin
Registration No. 34,979

SMITH MOORE LEATHERWOOD LLP
P.O. Box 21927
Greensboro, NC 27420
(336) 378-5516
stan.antolin@smithmoorelaw.com

Date: November 18, 2009

File No.: 5007653.001US1

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS DOCUMENT IS
BEING TRANSMITTED VIA EFS-WEB TO THE UNITED
STATES PATENT AND TRADEMARK OFFICE
ADDRESSED TO: MAIL STOP RCE, COMMISSIONER
FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA
22313-1450, ON November 18, 2009
(Date)

Lorna D. Selvaggio
Name of Depositor

/Lorna D. Selvaggio/
Signature

November 18, 2009
Date of Signature